

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1723.01
COMPLAINT INVESTIGATOR: Brenda Alyea
DATE OF COMPLAINT: March 26, 2001
DATE OF REPORT: April 25, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 25, 2001

COMPLAINT ISSUES:

Whether the Penn-Harris-Madison School Corporation and the Mishawaka-Penn-Harris-Madison Joint Services violated:

511 IAC 7-21-2* with regard to the school's alleged failure to provide a student with a disability with a free appropriate public education because the school has failed to provide an interpreter with sufficient proficiency in American Sign Language (ASL) to allow the student to benefit from the student's special education.

* This was originally incorrectly cited as 511 IAC 7-18-2. The correct citation is 511 IAC 7-21-2.

FINDINGS OF FACT:

1. The student is sixteen years old and attends high school as a ninth grader. The student is eligible for special education and related services as a student with a primary disability of hearing impairment and a secondary disability of communication disorder. The student utilizes ASL to communicate.
2. The student's IEP, dated March 24, 2000, indicates that the student will participate in the general education curriculum, be provided with a full-time sign language interpreter, and use a resource room for additional assistance.
3. The assigned sign language interpreter for the student obtained a bachelor's degree in ASL in 2000 and has a temporary certification as an interpreter from the Indiana Interpreting Certificate Program. Under current Indiana standards, an interpreter cannot obtain permanent certification until he or she has five years of service as an interpreter and completes two continuing education units per year during that time. The interpreter attended two educational interpreter workshops in November 2000. There are no current Indiana standards for educational interpreters.
4. The teachers' responses to the Teacher Questionnaire Reports indicate no concerns about the student's ability to access information through the interpreter. The report of an observation of the student and the interpreter by an individual knowledgeable in ASL indicates the interpreter used signs that "were comprehensible to an individual dependent on ASL."

CONCLUSION:

Findings of Fact # 1, # 2, #3, and # 4 reflect that the student's IEP requires an interpreter to be provided and that the school is providing an interpreter with a bachelor's degree in ASL interpreting and temporary certification from the Indiana Interpreting Certificate Program. The teachers report no problems in the classroom with the interpreter providing information to the student. Therefore, no violation of 511 IAC 7-21-2 is found.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: April 24, 2001